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SENATE

{ REPORT
No. 809

GEORGE LUKES

SEPTEMBER 24 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 711]

The Committee on the Judiciary, to which was referred the bill (H. R. 711) for the relief of George Lukes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant a waiver of the racial barrier to admission into the United States in behalf of a minor half-Japanese child who is in the custody of Sergeant and Mrs. George W. Tillman, who are citizens of the United States. The child would be considered to be a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is an orphan child who was born in Japan after the close of World War II, and it appears that the child's mother was a single Japanese woman and that his father was an American Negro soldier. The child is presently in an orphans' home in Japan which home is operated under the auspices of the Episcopal Church and which home was established after the war for the care of abandoned and unwanted children born out of wedlock to Japanese mothers as a result of relationships with American soldiers. Sergeant and Mrs. George W. Tillman, a colored couple, are presently in Tokyo with the occupation forces and are citizens of the United States and they wish to adopt the child and bring the boy back to the United States when they return.

A letter dated June 22, 1951, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case, reads as follows:

JUNE 22, 1951.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 711) for the relief of George Lukes, an alien.

The bill would render the provisions of section 13 (c) of the Immigration Act of 1924, as amended, inapplicable to George Lukes, half-Japanese minor child, and would provide that he shall be considered the alien natural-born child of Sgt. and Mrs. George W. Tillman, United States citizens.

The files of the Immigration and Naturalization Service of this Department disclose that George Lukes, also known as Hideo Shimizu, is an orphan who was born in Japan after the close of World War II, or during the latter part of 1946. It appears that the child's mother is a single Japanese woman and that his father is an American Negro soldier. The child is presently residing in the Elizabeth Sanders Orphans' Home in Kanagawa, Japan, which home is operated under the auspices of the Episcopal Church and was established after the war for the care of abandoned and unwanted children and babies born out of wedlock to Japanese mothers as a result of relationships with American soldiers.

The records disclose that the father of the child was returned to the United States before the birth of the child. Apparently, the mother's parents expelled her from their home and she gradually became insane. She was subsequently taken to an institution for the insane.

Sgt. and Mrs. George W. Tillman, a colored couple, who are presently in Tokyo, Japan, with the occupation forces, testified that they wish to adopt the child. The prospective adoptive parents are United States citizens. Sergeant Tillman, a military policeman, served in the Armed Forces from January 14, 1946, until October 21, 1948, and reenlisted for 3 years on October 22, 1948.

The alien, being as much as 50 percent of Japanese blood, is racially ineligible for naturalization under section 303 of the Nationality Act of 1940, and thus is inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of May 26, 1924. In the absence of special or general legislation he may not be permitted to enter the United States for permanent residence.

Whether in this case the provisions of section 13 (c) of the 1924 act should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Sincerely yours,

PEYTON FORD,
Deputy Attorney General.

Congressman Walter H. Judd, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and urged the enactment of the bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 711) should be enacted.